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ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHRISTOPHER RAY LEGARZA,	) No. 3:15-CV-00567 RCJ VPC
Plaintiff,	)
	) <b>STIPULATION FOR THE AWARD</b>
v.	) <b>AND PAYMENT OF ATTORNEY</b>
	) <b>FEES AND COSTS PURSUANT TO</b>
CAROLYN W. COLVIN, Acting	) <b>THE EQUAL ACCESS TO</b>
Commissioner of Social Security,	) <b>JUSTICE ACT, 28 U.S.C. § 2412(d),</b>
	)
Defendant.	)
	)
	)
	)

Plaintiff, CHRISTOPHER RAY LEGARZA (“Plaintiff”) and defendant CAROLYN W. COLVIN, Acting Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, HEREBY STIPULATE AND AGREE, through their attorneys, Daniel S. Jones acting on behalf of the Law Office of Binder and Binder, P.C. attorneys for Plaintiff, and Jean M. Turk, Special Assistant United States Attorney, attorney for defendant, subject to the approval of the Court, that Plaintiff be awarded attorney fees and costs in the amount of THREE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$3,900.00), under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR HUNDRED DOLLARS AND NO CENTS. This amount represents compensation

1 for all legal services rendered on behalf of Plaintiff by counsel in connection with  
2 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will  
4 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel,  
5 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91  
6 (2010), the ability to honor the assignment will depend on whether the fees are  
7 subject to any offset allowed under the United States Department of the Treasury's  
8 Offset Program. After the order for EAJA fees is entered, the government will  
9 determine whether they are subject to any offset.

10 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
11 determines that Plaintiff does not owe a federal debt, then the government shall cause  
12 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the  
13 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

14 This stipulation constitutes a compromise settlement of Plaintiff's request for  
15 EAJA attorney fees, and does not constitute an admission of liability on the part of  
16 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
17 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or  
18 counsel including counsel's firm may have relating to EAJA attorney fees in  
19 connection with this action.

20 This award is without prejudice to the rights of counsel and/or counsel's firm  
21 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
22 savings clause provisions of the EAJA.

23  
24 DATE: September 30, 2016

Respectfully submitted,

25 BY: /s/ Daniel S. Jones

26 DANIEL S. JONES of the  
27 Law Firm of Binder and Binder, P.C.

Attorney for Plaintiff

28 Email Authorization Given on Sept. 29, 2016

DANIEL G. BOGDEN  
United States Attorney

/s/ Jean M. Turk  
JEAN M. TURK  
Special Assistant United States  
Attorney for Defendant

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12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 CHRISTOPHER RAY LEGARZA,

15 Plaintiff,

16 v.

17 CAROLYN W. COLVIN, ACTING  
18 COMMISSIONER OF SOCIAL  
19 SECURITY,

20 Defendant.

No. CV 3:15-CV-00567 RCJ VPC

[PROPOSED] ORDER AWARDING  
EQUAL ACCESS TO JUSTICE ACT  
ATTORNEY FEES AND COSTS,  
PURSUANT TO 28 U.S.C. § 2412(d)

21 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
22 to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in  
23 the amount of \$ 3,900.00 and costs of \$400.00 as authorized by 28 U.S.C. § 2412, be  
24 awarded subject to the terms of the Stipulation.

25 DATED: 6<sup>th</sup> day of December, 2016.

26   
27 HON. VALERIE P. COOKE  
28 UNITED STATES MAGISTRATE JUDGE